

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

In attendance:

Laurie Boivin, Menominee Tribe (host)
Gary Besaw, Menominee Tribe
Doug Cox, Menominee Tribe
Greg Hill, WDNR
Charlie Wooley, USFWS
Colette Charbonneau, USFWS

Paul Ninham, Oneida Tribe
Jennifer Hill-Kelley, Oneida Tribe
Kathy Cavanaugh, MI AG
Jessica Mistak, MDNR
George Boronow, WDNR
Ron Kazmierczak, WDNR
Greg Swanson, WDNR

Open Meeting

* Trustee Council Resolution #13, Restoration Project Progress Reports, was developed and signed by council representatives. The Trustee Council recommended that interim and final reports for restoration projects be submitted to the Trustee Council Coordinator on their behalf. The Restoration Technical Representatives Team (Technical Team) will determine the interval for progress reports per project and provide a recommendation to the Trustee Council. The progress reports will be submitted on a semi-annual basis at a minimum. More complex projects may need to report on a quarterly basis. The restoration project managers will be notified by the Trustee Council Coordinator regarding the schedule for progress and final reports. Trustee Council restoration project guidance will be updated to reflect the council policy.

*Greg Hill, Wisconsin Department of Natural Resources, gave an update on the API/NCR interim settlement and the implications of the settlement funding outlined in the consent decree. The Intergovernmental Parties (the Trustee agencies and EPA) agreed to a 50/50 \pm 2% split of the settlement funds between restoration and remediation. To date the 50/50 division is on target. 2005 is the final year of the settlement agreement and any funds not used will revert back to the paper companies in December, 2005. There are \$1 million of remedial funds that have not been committed due to the responsible parties covering the costs of the remedial design/remedial action process of the clean-up. Hill proposed that the remaining remedial funds be used to further the restoration effort contingent upon agreement with EPA.

*Trustee Council meetings will be held yearly in January. Conference calls and extra meetings will be held for decisions when necessary. The next Trustee Council meeting will be scheduled on a conference call among the council representatives.

*An update on restoration progress was presented by Colette Charbonneau. Committed settlement funds total over \$24,600,000 towards restoration projects in the Green Bay watershed with \$12,700,000 in matching funds provided from state, federal and private sources. Approximately \$5,600,000 of restoration settlement funds remain. See attached spreadsheet for details.

*The Technical Team's recommendation for consideration of funding was presented by Charbonneau to the Trustee Council. See attachment for details.

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

*There was a question from the council to the Technical Team regarding the amount of northern pike projects that have been completed and if this species was to be a priority for restoration. The fishery resource could be considered to have had the greatest injury due to the release of PCBs into the environment. The fish community needs to be balanced in the bay with priority work towards increasing the top predators. The northern pike is a top predator and restoration work on this species will assist in balancing the fish community. The restoration projects that have been geared towards northern pike are mainly habitat preservation. These projects also provide for increased water quality in the bay and provide habitat for waterfowl and waterbirds.

*The Technical Team's restoration project recommendation to the Trustee Council leaves over \$600,000 of Fort James/Georgia-Pacific settlement funds available for future restoration projects. WDNR proposed to the council that these remaining funds be devoted towards the west shore, Brown County and Door County habitat preservation since the restoration project, Habitat Protection Along the West Shore of Green Bay, was not fully funded in the recommendation. It was also proposed that the remaining API/NCR interim settlement funds (\$1 million) be used to fully fund the Habitat Protection in the Wolf River Basin restoration project recommended by the Technical Team once EPA agreement was obtained as discussed above. The Michigan Trustee representative stated that the Technical Team should review all remaining restoration projects and provide another recommendation to the council. The council representatives requested more information prior to making a decision on the proposal presented by WDNR. No objections.

Public Forum (2 citizens attended with one individual providing the comments) – facilitated by Greg Swanson, WDNR

*Suggestion for earlier notification of the meeting so public has time to plan accordingly. Swanson explained that a news release was sent to the media prior to the meeting. The Trustee Council has to rely on the press to print notifications. All Trustee Council meetings are scheduled on the WDNR meeting and hearings calendar on the website <http://dnr.wi.gov/org/caer/ce/news/hearmeet.html#meetings>. It was requested that the meeting agenda and other information be posted on the internet prior to the meeting.

*A question was asked regarding negotiations and when a final settlement could be expected. The Intergovernmental Parties are engaged in discussions with the paper companies and there is no way to speculate when a final settlement will be agreed to.

*The restoration projects recommended looked good however the public was interested in the projects that were not recommended.

*The new Species of Greatest Conservation Need initiative conducted by the WDNR was brought to the attention of the Trustee Council. It was recommended that restoration projects be integrated with the potential needs of species developed through this initiative, specifically amphibians and reptiles. It was recommended that secondary benefits of the restoration projects be outlined for the council and the public.

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

*There was a request for better education and warnings on public consumption advisories. It was suggested that the Trustee Council formally recommend this to the response agencies. If the lack of information is a funding issue it was recommended that part of the \$1 million API/NCR interim settlement remedial funds be used for this issue. Hill will discuss this concern with EPA. Swanson will contact the health department to determine if there is any need.

*It was stated that there should be no restoration settlements where the responsible party holds the funding and oversees the restoration projects as a portion of the projects are being conducted under the Fort James/Georgia-Pacific consent decree.

*There was concern that the restoration project evaluation and recommendation process was exclusive of the public.

*Concern was raised regarding the Wild Rose Hatchery renovation restoration project. The settlement funds committed towards this restoration project may be viewed as a state 'budget rescue' rather than the funding of a project that restores resources injured by PCBs. It was explained that the renovation of the hatchery would not be completed without the settlement funds. The Technical Team had the same concerns the public was expressing and asked all the hard questions of WDNR regarding this project prior to the recommendation for funding.

Executive Session:

*The Trustee Council discussed the policy of placing a time limit for restoration projects that are not meeting goals in a timely manner or are not meeting the schedule outlined in the restoration project description. The council is considering the following policy; if goals and objectives of the restoration project are not being met in a timely manner then the settlement funds will be reverted back to the Trustee Council. Charbonneau will contact Department of the Interior attorney to determine how this should be handled. The Technical Team will review the information and provide a policy recommendation to the Trustee Council.

*The Trustee Council will provide a restoration progress update to the public. The Technical Team will develop the progress report, post it on the internet and possibly provide it as an insert in the Fox River Current. No objections.

*The Trustee Council deliberated on the Technical Team's restoration project recommendation for consideration of funding for 2005. The final motion was to fund all the projects suggested by the Technical Team. No objections.

*The Technical Team will review restoration projects and provide a recommendation to the Trustee Council by April, 2005 or sooner for the remaining Fort James/Georgia-Pacific settlement funds and the potential API/NCR funds.

*Trustee Council Resolution #11; Fort James Operating Company Consent Decree; Spotted Muskellunge Population Enhancement Program was explained by Charbonneau and signed by

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

Council representatives. This resolution is for the release of funds to the WDNR as outlined in the Fort James/Georgia-Pacific Consent Decree. No objections.

*Trustee Council Resolution #12; P.H. Glatfelter Company and WTM I Company Consent Decree; Trustee-Sponsored Natural Resource Restoration Efforts Settlement Disbursement was explained by Charbonneau and signed by Council representatives. This resolution is for the release of funds from the escrow account to the Department of the Interior's restoration fund for use by the trustees. No objections.

*Charlie Wooley lead a discussion regarding funding for the Trustee Council Coordinator position. Charbonneau is currently spending half of her time per year doing business of the Trustee Council. These duties are outside the realm of her responsibilities as a biologist for the FWS. Wooley requested \$50,000 to fund the Coordinator position for this year. No objections.

Meeting adjourned.

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

ATTACHMENT:

Recommendation for Consideration of Funding

Funding Available for 2005:

API/NCR Interim Settlement	\$1,941,465
WTM1/PHG Interim Settlement	1,171,925
Fort James/G-P Habitat & Water Quality Enhancement Fund	1,217,700
Fort James/G-P Property Acquisition Fund	<u>1,300,000</u>
Total	\$5,631,090

Habitat Protection in the Wolf River Basin \$1,000,000
(\$1,000,000 API/NCR)
Wisconsin Department of Natural Resources

This restoration project will protect approximately 600 acres of bottomland hardwood forest and wetlands in the Lower Wolf River Bottomlands Natural Resources Area in Wisconsin. Rural residential developments in the project area are increasing and placing more stress on the watershed by conversion of habitat to lawns, development of shorelines, fragmentation of formerly contiguous forested uplands and wetlands, and degradation of other wetland habitat from adjacent land uses and run-off. Acquisition of lands and conservation easements in this project area will reduce these impacts and provide for continued and increased production of waterfowl, herons and egrets, and other fish-eating birds. The habitat is also important for spawning walleye and northern pike. The funding provided for this restoration project will need to be used in 2005. Matching Wisconsin State Stewardship funds of approximately \$1,000,000 have been requested.

Wolf River Bottoms Wildlife Area Wetland Restoration \$200,000
(\$200,000 API/NCR)
Wisconsin Department of Natural Resources

The goal of this restoration project is to provide improved habitat for waterfowl and state threatened species such as osprey and great egrets in the K&S Unit of the Wolf River Bottoms Wildlife Area. The unit has dike systems intended for manipulation of water levels for wildlife benefits. Currently, pumping of water into and release of water out of the area is hampered by an insufficient dike system. Renovation of dikes would allow more water to be placed on the area in dry periods, increasing the success of nesting waterfowl, allowing control of invading vegetation, and providing protected areas during the fall and spring migrations. The funding provided for this restoration project will need to be used in 2005.

Habitat Protection Along the West Shore of Green Bay \$881,000
(\$741,465 API/NCR and \$139,535 G-P Property Acquisition Fund)
Wisconsin Department of Natural Resources

This restoration project will protect approximately 380 acres of critical habitats along the west shore of Green Bay where development is increasing resulting in a loss of habitat. As a result of increased public

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

awareness of the importance of wetlands and associated habitats along the Green Bay west shore there is a unique opportunity to protect these habitats. This area has been identified as significant habitat for waterfowl nesting and resting areas as well as fish spawning habitat. The funding provided for this restoration project will need to be used in 2005. Federal and State matching funds will be requested to complete this project.

Door County Habitat Protection Project \$ 626,000
(\$626,000 G-P Property Acquisition Fund)
Door County Land Trust

This restoration project would protect approximately 85 acres of wetland, riparian and upland habitat through fee title. The habitat is critical to the effort to restore optimum hydrologic function to the wetlands in this project area. Protection and restoration of these sites will help reduce input of excess nutrients and pollution to the aquifer and surface waters of Green Bay. The project will also improve and restore breeding habitat for northern pike and other fish species along the east shore of Green Bay. Matching Wisconsin State Stewardship funds of approximately \$219,000 have been requested.

Island Habitat Protection \$1,000,000
(\$500,000 G-P Property Acquisition Fund and \$500,000 WTMI/PHG)
Wisconsin Department of Natural Resources & Fish and Wildlife Service

This restoration project would protect important island habitat that supports waterfowl and colonial nesting birds which were injured by the release of PCBs into the environment. Federal and State matching funds will be requested to complete this project.

Habitat Protection in the Baird Creek Watershed \$400,000
(\$400,000 G-P Habitat & Water Quality Enhancement Fund)
Baird Creek Preservation Foundation

This restoration project will protect approximately 140 acres of wetlands and riparian areas along Baird Creek for the preservation of habitat, protection of water quality and hydrological stability of Baird Creek including the Greenway, a forested corridor within the City of Green Bay. The Baird Creek Preservation Foundation will be expected to find matching funds to fulfill the entirety of this project.

Suamico/Little Suamico Watershed Pike Habitat Restoration Project \$200,000
(\$200,000 G-P Habitat & Water Quality Enhancement Fund)
Brown County Land Conservation Department

This restoration project will establish riparian buffers along intermittent and perennial streams in the Suamico and Little Suamico watersheds that have high potential for spawning and rearing areas for northern pike. The establishment of permanent conservation easements will reduce sediments, nutrients and pesticides entering into streams from cropland thereby protecting spawning habitat and quality plankton production areas needed for feeding young pike. The project will improve adult pike access to upstream spawning and rearing habitat sites. The project will be provided funding for one year to focus

Fox River/Green Bay Natural Resource Trustee Council
Meeting Minutes
January 11, 2004

on willing sellers in the eastern downstream part of the watershed. Staff time will be provided by the Brown County Land Conservation Department.

Habitat Protection in the Upper Fox River \$500,000
(\$500,000 WTMI/PHG)
Fish and Wildlife Service

This restoration project will protect approximately 200 acres of wetlands in Waushara and Winnebago Counties, Wisconsin. The lands will become part of the Fish and Wildlife Service's Waterfowl Production Area program which are managed as part of the National Wildlife Refuge System. The habitat will offer opportunities for waterfowl breeding, nesting and as a migratory stopover. The lands will be open for hunting, fishing, wildlife observation, photography, environmental education and interpretation activities. Matching federal funds will be provided to complete this project.

Remaining Funds Available

API/NCR Interim Settlement	\$ 0
WTMI/PHG Interim Settlement (including 12/2005 deposit)	\$1,421,925
Fort James/G-P Habitat & Water Quality Enhancement Fund	\$617,700
Fort James/G-P Property Acquisition Fund	<u>\$34,465</u>
Total	\$2,074,090